

To the Honorable ; the JUDGES of said Court---

The joint and several answer of John D.Horine,Ethel E.Horine his wife,formerly Ethel E. Leatherman,and Ethel E.Horine,Executrix of John W.Leahtherman,deceased,respectfully shows unto your Honors;

1st. That answering all and singular the allegations contained in the several paragraphs of the Bill of Complaint,these respondents admit the allegations contained in said paragraph to be true as therein set forth and hereby consent jointly and severally to the sale of the land by Decree of this Honorable Court by a trustee or the trustees named in said decree and to the investment of the funds arising from such sale as the Court may direct,the income,rents,and profits arising therefrom and the final and ultimate disposition of the proceeds of such sale to inure in like manner as provided in the last Will and Testament of John W.Leahtherman,deceased,a certified copy of which said Will is filed in this cause and marked Exhibit No.1 to the Bill of Complaint,as prayed for in the Bill of Complaint.

And having answered all and singular the allegations of the Bill of Complaint these respondents jointly and severally pray to be hence dismissed with their proper costs.

And as in duty etc.

(Filed May 20,1922)

John D.Horine  
Ethel E.Horine  
Ethel E.Horine  
Executrix of John W.  
Leahtherman,deceased.

T E S T I M O N Y.

Flora E.Leahtherman	"	No.10527 Equity.
Widow &c.	"	
	"	
Vs.	"	In the,Circuit Court for
	"	Frederick County,sitting
John D.Horine and	"	
wife and others.	"	as a Court of Equity.

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The above entitled case being at issue and notice having been given me by the Solicitor for the Plaintiff of his desire to take testimony therein,I,Clayton O.Keedy,one of the standing Examiners of said Court,duly appointed,qualified and sworn,having assigned the 13th day of July,1922 at 10.30 O'clock A.M.at my Office in FrederickMd,as the time and place for taking the testimony in this cause and having given due notice thereof to the parties concerned,did,at the appointed time and place proceed to take the following testimony to-wit:-

The Plaintiff filed with the Examiner as evidence Exhibits Nos.1,2 and 3 and Exhibit B 1-B-2-B-3-B-4-B-5 & B-6 which are herewith returned by the said Examiner;-

Present;- A.S.Brown,Solicitor for Plaintiff  
H.Kieffer DeLauter,Solicitor for Defendant.

The Defendants filed with the Examiner Exhibits Nos.4 & Exhibit F.L.1-2 & 3,

FLORA E.LEATHERMAN, (The Plaintiff) A witness of lawful age produced on the part of the Plaintiff being duly sworn and examined vivavoce deposes and says as follows;-

My name is Flora E.Leahtherman; I am 62 years of age; I am the widow of John W.Leahtherman of P. am the life-tenant under the Will of my husband who died testate in the year 1917,and the Defendants Floyd Leahtherman,Foster Leahtherman and Ethel E.Horine are children of us and all of them are over 21 year of age; Floyd and Ethel live in Frederick County and Foster lines in Baltimore, Md. My husband at the time of his death owned a farm in Middletown District in Frederick County containing about 112 Acres of land which he obtained by devise from his father Peter Leahtherman A copy of the extract of where Will is filed herein as Exhibit No.2.

By the terms of my husbands Will filed herein as Exhibit No.1,I was given a life estate in all of his property which of course includes this farm and a mountain lot of 13<sup>3</sup>/<sub>4</sub> acres.

Since the death of my husband my son Floyd has been the tenant on this farm and mountain lot.